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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: J. Sadula
KOICHI SATO ET AL.)
: Group Art Unit: 1756
Application No.: 10/025,535)
: Filed: December 26, 2001)
: For: LIQUID CRYSTAL DEVICE)
: U.S. Patent No. 6,899,823 B2)
: Issued: May 31, 2005) July 7, 2005

Mail Stop PTA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT
TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Sir:

Patentee hereby requests under 37 C.F.R. § 1.705(d) reconsideration and recalculation of the Patent Term Adjustment for the above-identified patent. Submitted herewith is a check for \$200.00 for the fee set forth in 37 C.F.R. § 1.18(e). Any deficiency in this fee may be charged, or any overpayment credited, to Deposit Account No. 06-1205.

For the following reasons, this patent is believed to be entitled to a PTA of 317 days.

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1. The present patent issued from Application No. 10/025,535 (the '355 application) filed on December 26, 2001.
2. The present patent is not subject to any terminal disclaimers.
3. Pursuant to 37 C.F.R. § 1.705(b) and (d), reconsideration of the determinations regarding the patent term adjustment (PTA) made for the period prior to the January 11, 2005 mailing date of the Notice of Allowance is not requested.
4. The Patent Application Information Retrieval (PAIR) system indicates Applicants' delay period of 56 days for a period from April 6, 2005 to May 31, 2005 in connection with the filing of a "Miscellaneous Incoming Letter". Patentees dispute this determination.

ARGUMENTS

1. It is respectfully submitted that the a U.S. Patent and Trademark Office (PTO) incorrectly treated the paper entitled "Statement of the Substance of the Interview" (Statement) filed by Patentees on April 6, 2005 as a "Miscellaneous Incoming Letter", and wrongly deducted 56 days from the PTA.
2. The PTO can reduce the amount of the PTA due to a "failure to engage in reasonable efforts to conclude processing or examination of an application" under 37 C.F.R. § 1.704(c)(10). However, Patentees' April 6, 2005 Statement should not be considered a "failure to engage" within the meaning of 37 C.F.R. § 1.704(c)(10) for the following reasons.
3. The April 6, 2005 Statement was filed in response to the Interview Summary, which was attached to the Notice of Allowance.

4. The Examiner's Interview Summary required Patentees to submit the Statement in response to the Notice of Allowance to avoid abandonment of the application.

5. Since Patentees were required by the PTO to file the Statement to avoid abandonment of the application, the filing of the Statement cannot be considered a "failure to engage in reasonable efforts to conclude processing or examination of an application" within the meaning of 37 C.F.R. § 1.704(c)(10).

6. In view of the above, it is clear that the April 6, 2005 filing of the Statement should not cause any reduction in PTA.

RELIEF REQUESTED

Reconsideration of the patent term adjustment is respectfully requested, in which the reduction of 56 days associated with the "Statement of the Substance of the Interview" filed on April 6, 2005 be adjusted to 0 days. It is, therefore, requested that the patent term adjustment be recalculated and adjusted to 317 days.

Patentees' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Jason M. Okun
Attorney for Patentees
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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